

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

APCC Services, Inc.,)	
Data Net Systems, LLC)	
Davel Communications, Inc.)	
Jarothe, Inc. dba Pacific Telemanagement)	
Services, and)	
Intera Communications Corp.,)	
)	
Complainants,)	
)	
v.)	File No. EB-02-MDIC-014
)	
Viva Telecom,)	
)	
Defendant.)	

ORDER

Adopted: January 22, 2003

Released: January 23, 2003

By the Deputy Division Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On March 29, 2002, APCC Services, Inc., *et al.* ("APCC" or "Complainants") filed an informal complaint alleging that Viva Telecom ("Viva") is responsible for paying dial around compensation for certain types of completed calls carried by its network that originated from APCC's payphones. Pursuant to section 1.718 of the Commission's rules,¹ the Complainants are required to convert their informal complaints into formal complaints within six months of the date that the Defendant replies to the informal complaints, or such informal complaints will be deemed to be abandoned. In this case, the Complainants were required to convert the informal complaint into a formal complaint by November 15, 2002.² This date was

¹ 47 C.F.R. § 1.718.

² See Letter from Gregory D. Kwan, Attorney for Complainants, and Mark A. Pieper, Attorney for Viva, to Warren Firschein, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-02-MDIC-014 (November 8, 2002).

later extended to January 10, 2003.³

2. Since March 29, 2002, the parties have engaged in negotiations to resolve the disputes about dial around compensation issues.⁴ On January 10, 2003, the parties filed jointly a Request for Extension of Time to File Complainants' Formal Complaint in this matter ("Waiver Request"). The parties seek a waiver of section 1.718 of the Commission's rules, and, in particular, request an extension of the deadline for filing a formal complaint from January 17, 2003 to March 7, 2003.⁵ The Waiver Request explains that the parties are attempting to resolve this dispute without further litigation, and that an extension is necessary to continue negotiations and work toward settling this matter.⁶

3. We are satisfied that granting the parties' Waiver Request will serve the public interest by promoting the private resolution of disputes and by postponing the need for further litigation and expenditure of further time and resources of the parties and of this Commission until such time as may actually be necessary.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3 and 1.718 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.718, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Request for Extension of Time to File Complainants' Formal Complaint IS GRANTED.

5. IT IS FURTHER ORDERED that, unless otherwise extended by order, the deadlines that would otherwise apply under section 1.718 of our rules, 47 C.F.R. § 1.718, are hereby waived, and the date that APCC Services, Inc., et al. must convert their informal complaint against Viva to a formal complaint pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, is extended to March 7, 2003.

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³ *APCC Services, Inc., et al., v. Viva Telecom*, Order, 2002 WL 31719764 (F.C.C.) (MDRD-Enf. Bur., rel. Dec. 5, 2002).

⁴ See Letter from Gregory D. Kwan, Attorney for Complainants, and Mark A. Pieper, Attorney for Viva, to Warren Firschein, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-02-MDIC-014 (January 10, 2003).

⁵ *Id.* at 1-2.

⁶ *Id.*

Radhika V. Karmarkar
Deputy Chief, Market Disputes Resolution Division
Enforcement Bureau